

**ACTS**  
OF THE  
**Second Annual Session**  
OF THE  
**Two Hundred and Sixth Legislature**  
OF THE  
STATE OF NEW JERSEY  
AND  
**Thirty-Sixth Under the New Constitution**



1995

New Jersey State Library



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## EXECUTIVE ORDERS

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## EXECUTIVE ORDER NO. 30

WHEREAS, Tuition vouchers have been proposed to achieve education reform by providing an incentive to schools to improve and by allowing parents greater freedom to choose the schools that meet their children's needs; and

WHEREAS, I have proposed a limited tuition voucher pilot program to meet the legitimate needs of parents and students through increased flexibility; and

WHEREAS, The legislative leadership in both Houses has indicated a desire for further study and deliberation on this important issue; and

WHEREAS, The legislation to accomplish these objectives should be proposed with the active participation of concerned parties on a bipartisan basis;

NOW, THEREFORE, I, Christine Todd Whitman, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the Advisory Panel on School Vouchers. The Advisory Panel shall be representative of a diversity of views and shall consist of fifteen (15) members as follows:
  - a. Seven (7) members, including the chair and vice chair, appointed by the Governor, no more than four of whom shall be of the same political party;
  - b. The Attorney General or her designee and the Commissioner of Education or his designee shall serve as ex officio members;
  - c. Three (3) members appointed by the President of the Senate, no more than two of whom shall be of the same political party;
  - d. Three (3) members appointed by the Speaker of the General Assembly, no more than two of whom shall be of the same political party.
2. The Advisory Panel shall assist the Governor and Legislature in proposing legislation to implement a tuition school voucher program based upon the objectives set forth below.

3. The proposed legislation should address the following objectives:
  - a. The proposal should be limited in scope and viewed as a pilot program so as to determine the feasibility and impact of expanding the program statewide;
  - b. The proposal must recognize the fiscal constraints of the State and be consistent with budgetary limitations; and
  - c. The proposal must include a mechanism and criteria to adequately and impartially evaluate the pilot program.
4. The Advisory Panel should also examine the fiscal, legal and administrative issues that may arise concerning implementation of the pilot program.
5. The Advisory Panel shall present its recommendations and proposed legislation no later than one year from the date of this Order to allow adoption and implementation for the 1996 school year.
6. The Advisory Panel is authorized to call upon any department, office or agency of State government to provide such information, personnel and assistance as deemed necessary to discharge its responsibilities under this Order. Each department, officer, division and agency of this State is hereby required to cooperate with the Advisory Panel and to furnish it with such information, personnel and assistance as is necessary to accomplish the purpose of this Order.
7. The Advisory Panel shall hold at least three (3) public hearings as it discharges its responsibilities under this Order.
8. This Order shall take effect immediately.

Issued January 10, 1995.

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EXECUTIVE ORDER NO. 31

WHEREAS, It is fitting and appropriate to honor the memory and mourn the passing of Senator Walter Rand; and

WHEREAS, Born in Philadelphia, Pennsylvania, Senator Rand tirelessly devoted his life to serving his community and his State; and

WHEREAS, Senator Rand served the Camden Board of Education with distinction, first as an Assistant Secretary and Purchasing Agent and then as an elected member from 1971 to 1974; and

WHEREAS, In 1975, Senator Rand was elected to the General Assembly serving there until 1981, whereupon he was elected to the Senate; and

WHEREAS, Senator Rand served as Chairman of the Senate Transportation and Public Utilities Committee and was an expert on transportation issues; and

WHEREAS, Among Senator Rand's many accomplishments during his nearly 20-year tenure in the Legislature, he sponsored the law creating the Transportation Trust Fund and the law which led to the creation of the South Jersey Transportation Authority; and

WHEREAS, It is with deep sadness that we mourn the loss of Senator Rand and extend our sincerest sympathies to his family and friends;

NOW, THEREFORE, I, Christine Todd Whitman, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Wednesday, January 11, 1995 in recognition and mourning of the passing of Senator Walter Rand.

2. This Order shall take effect immediately.

Issued January 10, 1995.

## EXECUTIVE ORDER NO. 32

WHEREAS, Executive Order No. 10, issued on July 13, 1982, established the Vacancy Review Board, consisting of the Commissioner of the Department of Personnel, the State Treasurer, and a representative from the Governor's Office; and

WHEREAS, In light of budgetary constraints, it is necessary to fully inventory and review all vacancies, including those created by resignation, transfer and disciplinary removal as well as retirement; and

WHEREAS, A more informed determination regarding the continued usefulness of a particular position can be made by the department in which the position has become available;

NOW, THEREFORE, I, Christine Todd Whitman, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Vacancy Review Board is hereby eliminated.
2. Executive Order No. 10 (1982) is rescinded.
3. Each department shall assume the functions previously performed by the Vacancy Review Board, including a review of all positions that become available in that department to determine whether the positions should be refilled at the current level, downgraded, or left vacant.
4. This Order shall take effect immediately.

Issued February 23, 1995.

## EXECUTIVE ORDER NO. 33

WHEREAS, Executive Order No. 21 was enacted to promote harmonious relations between the State and its employees while ensuring the efficient and continuous delivery of public services; and

WHEREAS, The goal of this Administration under Executive Order No. 21 is to encourage cooperation between the State and its employees by facilitating the exchange of information and ideas between the responsible parties; and

WHEREAS, Collective negotiations between the State and its employees concerning the terms and conditions of employment are about to commence; and

WHEREAS, It is the further goal of this Administration that an orderly, efficient and good faith process for conducting negotiations be established which preserves the rights of the State and its employees;

NOW, THEREFORE, I, Christine Todd Whitman, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and Statutes of the State of New Jersey, do hereby ORDER and DIRECT:

1. Executive Order No. 21 shall remain in full force and effect except as modified herein.

2. Paragraph 2(c) of Executive Order No. 21 is hereby rescinded and replaced by the following: The Council shall advise the Governor on employee relations policy, and related matters involving State employees.

3. Paragraph 3 of Executive Order No. 21 is hereby rescinded and replaced by the following: The Council is authorized to hire such outside consultants and counsel as deemed necessary to fulfill its mandate pursuant to this Order.

4. Paragraph 7 of Executive Order No. 21 is hereby rescinded and replaced by the following: The Office of Employee Relations is hereby transferred from the Department of Personnel to the Office of the Governor and shall report to the Governor's Chief of Staff (the "Chief of Staff"). Compensation for employees of the Office of Employee Relations shall be consistent with guidelines or regulations established by the Department of Personnel.

5. Paragraph 8(c) and (d) of Executive Order No. 21 is hereby rescinded and replaced by the following: (c) providing support staff

to the Chief of Staff or labor counsel and rendering such reports to labor counsel as the labor counsel may direct or the Chief of Staff determines; and (d) offering recommendations to the Governor's Employee Relations Policy Council concerning employee relations and related matters involving State employees.

6. Paragraph 9 of Executive Order No. 21 is deleted and replaced by the following: The Chief of Staff shall serve, through labor counsel, as the Governor's agent in conducting collective negotiations with employee organizations.

7. Paragraph 10(a) of Executive Order No. 21 is hereby rescinded and replaced by the following: All appropriations, personnel, records and property associated with the Office of Employee Relations shall be reallocated within the Office of the Governor in such a manner as the Chief of Staff deems appropriate in order to maximize efficiency, service and cost-effectiveness.

8. Paragraph 10(c) of Executive Order No. 21 is hereby rescinded and replaced by the following: Except as herein otherwise provided and in accordance with Title 11A, Civil Service of the New Jersey Statutes, allocation of the Office of Employee Relations to the Office of the Governor shall not alter or change the term, tenure of office, rights, obligations, duties or responsibilities otherwise pertaining to the Office of Employee Relations.

9. This Order shall take effect immediately.

Issued March 6, 1995.

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#### EXECUTIVE ORDER NO. 34

WHEREAS, Governor Kean established the Governor's Advisory Committee on Public/Private Volunteer Partnerships ("Advisory Committee"); and

WHEREAS, Executive Order No. 71 of Governor Florio renamed the Advisory Committee the Governor's Advisory Council on Volunteerism and Community Service ("Advisory Council"); and

WHEREAS, Thousands of citizens of the State from every age group and from all walks of life continue to volunteer countless hours of service in order to help others in their communities; and

WHEREAS, The promotion, support, and recognition of volunteerism in New Jersey is best achieved by the activities of the Advisory Council; and

WHEREAS, The National Service Trust Act of 1993 encourages Americans to join and serve together for the common good; and

WHEREAS, The notion "New Jersey - One Family" reflects a sense of common purpose among the State's diverse communities; and

WHEREAS, Encouraging young people to be involved in volunteerism and community service will develop an underutilized source of leadership in communities throughout the State;

NOW, THEREFORE, I, Christine Todd Whitman, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Advisory Council shall consist of not more than 42 members. The Commissioners of the Departments of Commerce, Community Affairs, Education, Health, Human Services and Labor, the Attorney General, the Chairperson of the State Employment and Training Commission, the Executive Director of the Administrative Office of the Courts and the Executive Director of the New Jersey Commission on Community Service, or their designees, as well as one representative of a federal volunteer program, shall serve on the Advisory Council as ex officio members.

2. The public members of the Advisory Council shall be appointed by the Governor and shall consist of representatives from volunteer associations or organizations, youth-serving organizations, the non-profit sector and the State's business and education community. The Governor shall designate a Chairperson from among the public members of the Advisory Council.

3. Members of the Advisory Council shall serve without compensation. Public members shall serve for terms of three years

and, upon a recommendation by the Executive Director of the Advisory Council, can be removed by the Governor for cause. Advisory Council vacancies shall be filled by the Governor for the remainder of the unexpired term.

4. The Advisory Council shall:

- a. encourage the expansion of volunteerism and community service in the State by advising and supporting the Governor's Office of Volunteerism;
- b. identify and prioritize community needs and identify the resources to meet those needs through volunteerism and community service;
- c. recognize and reward successful examples of community partnerships, service projects, and volunteerism;
- d. involve New Jersey's youth, senior citizens, businesses, individuals and groups in efforts to work together to strengthen and meet the needs of the State's communities through volunteerism and community service; and
- e. advise the Governor on volunteerism and community service issues.

5. The Advisory Council shall set its own operating procedures and meeting schedule, except that it shall meet not less than four times each year, and one of these meetings shall give the public an opportunity to express views concerning volunteerism and community service.

6. The Advisory Council is authorized to solicit funding from private entities through donations supporting its activities as described in this Executive Order.

7. The Governor's Youth Advisory Council ("Youth Advisory Council") is hereby established as an ancillary body of the Advisory Council.

8. The Youth Advisory Council shall:

- a. serve as an advisory body to the Advisory Council to identify and prioritize urgent social problems that can be addressed by youth through volunteerism and community service;
- b. serve as an advocate for youth services throughout the State on behalf of the Governor and the Advisory Council;
- c. recommend service programs to the Advisory Council; and

d. present recommendations to the Advisory Council for promoting youth service and related programs at the end of each of its terms.

9. The Youth Advisory Council shall be comprised of twenty-five members appointed by the Governor. The members shall serve for terms of three years, except that of those first appointed, eight shall serve for a term of one year, eight shall serve for a term of two years and the remainder shall serve for a term of three years.

10. The Youth Advisory Council shall include:

- a. youth between the ages of 12 to 22 years old;
- b. youth with demonstrated leadership abilities in the area of community service; and
- c. youth reflecting the diversity of the State.

11. The Governor shall select annually a member of the Youth Advisory Council to serve as its Chairperson.

12. The Youth Advisory Council shall annually select two of its members to serve as public members on the Advisory Council.

13. The Youth Advisory Council shall set its own operating procedures and meeting schedule, except that it shall meet not less than three times per year.

14. The Advisory Council and the Youth Advisory Council shall receive administrative support from the Governor's Office of Volunteerism, but shall not obligate any funds of that office or of any other department, office, division or agency of the State.

15. The Governor, upon a recommendation by the Executive Director of the Advisory Council, may remove a member of the Youth Advisory Council for cause.

16. This Order shall take effect immediately.

Issued April 10, 1995.

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EXECUTIVE ORDER NO. 35

WHEREAS, Reorganization Plan No. 002-1995 (hereinafter "the Plan") was submitted to the Senate and General Assembly on March 13, 1995; and

WHEREAS, Paragraph 2 of the Plan provides for the transfer of Division of Motor Vehicles records, property, employees, as well as for the transfer of the unexpended balance of funds appropriated or otherwise available to the Division of Motor Vehicles from the Department of Law and Public Safety to the Department of Transportation pursuant to the "State Agency Transfer Act," P.L. 1971, c. 375 (C.52:14D-1 et seq.); and

WHEREAS, The Plan shall become effective in 60 days on May 12, 1995, unless disapproved by each House of the Legislature by the passage of a Concurrent Resolution stating in substance that the Legislature does not favor the Plan; and

WHEREAS, Paragraph 7 of the Plan also provides that it shall become effective on a date later than May 12, 1995, should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by an Executive Order; and

WHEREAS, The administrative burden on both the Department of Law and Public Safety and the Department of Transportation in implementing the Plan will be greatly diminished by delaying the effective date of the Plan until the commencement of the new fiscal year; and

WHEREAS, Coordinating the effective date of the Plan with the commencement of the new fiscal year and with the effective date of related personnel action in the affected departments will promote the prompt, efficient and effective implementation of the Plan, in the best interests of the State; and

WHEREAS, I conclude that an effective date later than May 12, 1995 is necessary for the orderly and effective implementation of the Plan;

NOW, THEREFORE, I, Christine Todd Whitman, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State, do hereby ORDER and DIRECT:

1. Reorganization Plan No. 002-1995, unless disapproved by the Legislature by May 12, 1995, shall be effective on July 22, 1995.
2. This Order shall take effect immediately.

Issued May 8, 1995.

## EXECUTIVE ORDER NO. 36

WHEREAS, New Jersey's skilled workforce is our strength as we compete in the world economy; and

WHEREAS, Investments in training and education foster high skill/high wage jobs, provide economic leadership for the State, and offer a better standard of living for our citizens; and

WHEREAS, To remain competitive, New Jersey must develop a State-based and locally delivered strategy for an integrated education and job training system based on current and future State and local area labor market demands; and

WHEREAS, The New Jersey Departments of Labor and Education, in conjunction with other State agencies, have been charged with the responsibility to implement a coordinated workforce readiness system consistent with the design constructed by the State Employment and Training Commission ("SETC") in A Unified Plan for New Jersey's Workforce Readiness System (the "Plan"); and

WHEREAS, A coordinated workforce readiness system, in concert with the State's overall economic development strategy, would guide federal, State, and local resources in a manner that promotes a high quality, globally competitive workforce; and

WHEREAS, Pursuant to N.J.S.A.34:15C-15e(7), a coordinated workforce readiness system can be achieved through the expansion of the State's local Private Industry Councils ("PICs") into broad-based Workforce Investment Boards with responsibilities consistent with the Plan;

NOW THEREFORE, I, Christine Todd Whitman, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Within sixty days of the issuance of this Order, current county and multi-county PICs, in cooperation with their chief elected local officials, shall develop plans to assume the additional responsibili-

ties as provided under this Order, and to implement those additional responsibilities through a Workforce Investment Board.

2. In areas where more than one PIC serves a county, those PICs shall work cooperatively to develop a single county-based Workforce Investment Board to meet the needs of the entire county workforce population.

3. Workforce Investment Boards shall have all of the rights, duties, and responsibilities now held by any of their constituent PICs as well as all authority granted pursuant to this Order.

4. Workforce Investment Board membership shall be consistent with the provisions of N.J.S.A.34:15C-15(b). The SETC shall establish additional guidelines concerning the composition of the Workforce Investment Boards to ensure that membership is broad-based and includes local business, education, labor, training, and social services representatives.

5. The Workforce Investment Boards shall maintain statutory responsibilities under the federal Job Training Partnership Act and N.J.S.A.34:15C-15, however, their emphasis shall be on the coordination of all workforce readiness programs in their local areas.

6. The Workforce Investment Boards shall:

(a) assess the labor market and develop a local strategic plan to optimize federal, State and local workforce readiness resources within their boundaries;

(b) address the concerns of traditionally marginalized populations, such as women and minorities, who constitute the majority of new entrants to the workforce by developing specific plans and activities to serve these populations;

(c) act to influence both program management and resource allocation by analyzing local needs and opportunities and coordinating federal, State, and local resources to achieve defined goals;

(d) design a consolidated workforce investment plan to replace the current separate plans developed for each applicable federal, State and locally funded program; and

(e) establish a marketing and development strategy to ensure the local community is aware of the purpose and functions of the Workforce Investment Board.

7. The SETC immediately shall develop a Statewide workforce investment plan to be incorporated into the Plan, which, together with periodic updates, will be used as a guide for Workforce Investment Boards as they develop and improve local plans.

8. Each workforce investment plan shall include:

- (a) the development of an integrated service delivery system to serve the needs of the local population;
- (b) the establishment of a School-to-Work system;
- (c) an assessment of community needs with a special emphasis on urban areas and special needs school districts served by the Workforce Investment Board;
- (d) a coordination of local resources in support of welfare reform efforts to move recipients of public assistance into work activities;
- (e) an analysis of the available resources;
- (f) a comprehensive plan for the utilization of available resources to meet the community's workforce readiness needs;
- (g) an evaluation of any workforce readiness system currently in place;
- (h) an oversight and review procedure for implementation of the plan; and
- (i) other components as established by the SETC.

9. The SETC shall review the workforce investment plans to recommend improvements and suggest methods of coordinating with the other local plans. The workforce investment plans, along with the SETC comments, shall be forwarded to the Commissioner of Labor, who will ensure that the plans comply with State and federal law, and are consistent with the Plan.

10. Except where specifically otherwise directed, the Commissioner of Labor shall exercise the authority of the Governor to:

- (a) request, accept and direct the allocation of federal and State funds related to workforce readiness programs in the State of New Jersey;
- (b) assure that the State is in compliance with the provisions of all federal laws governing the workforce readiness system and provide for corrective actions when necessary;
- (c) resolve disputes arising under the workforce readiness programs; and
- (d) carry out such other related responsibilities as specified or implied under the workforce readiness laws.

11. The Commissioner of Labor shall coordinate activities with affected departments, which will maintain statutory authority over programs within their jurisdiction.

12. The Department of Labor, in conjunction with the SETC and other affected State departments, shall coordinate the development of an integrated service delivery system for workforce development, which shall be incorporated into the Plan. The delivery system must provide for common intake and assessment for those utilizing workforce readiness programs, uniform administrative procedures and performance standards, and compatible technology.

13. The Departments of Commerce and Economic Development, Community Affairs, Education, Human Services, and Labor shall direct workforce readiness resources in a manner consistent with the development of a unified workforce readiness system. Priority shall be given to those areas in which broadly inclusive Workforce Investment Boards are developing coordinated strategies for the delivery of services to the public consistent with paragraphs 4 and 5 of this Order.

14. Administrative funding for the workforce readiness system shall be obtained from all workforce readiness programs. Funding ratios for the allocation of administrative funding shall be established cooperatively by the departments which fund or administer workforce development programs. The Commissioner of Labor, in consultation with the SETC, shall set criteria and standards for any Workforce Investment Board administrators hired with these administrative resources.

15. The Chairman of the SETC shall continue to determine the budget necessary to carry out the SETC's responsibilities under the federal Job Training Partnership Act and N.J.S.A.34:15C-1 et seq. Annual expenditures of an amount not to exceed twenty percent (20%) of the State's five percent (5%) resources available to the Governor under the federal Job Training Partnership Act are hereby authorized.

16. The SETC shall develop Statewide guidelines for the implementation of this Order within thirty days of the issuance hereof.

17. The Commissioner of Labor shall exercise all administrative authority necessary to effect the Statewide expansion of PICs into Workforce Investment Boards by no later than July 1, 1996.

18. Executive Order 107 (Florio 1993) is hereby rescinded.

19. This Order shall take effect immediately.

Issued May 12, 1995.

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EXECUTIVE ORDER NO. 37

WHEREAS, On April 25, 1988, in commemoration of the 40th anniversary of the founding of the State of Israel, the State of New Jersey entered into a Sister State Agreement with Israel as a symbol of the potential for cooperation that exists between our two states; and

WHEREAS, This Agreement calls for the development of trade and cultural and educational exchanges, in addition to encouraging the development of capital investment and joint business ventures; and

WHEREAS, On May 31, 1989, the State of New Jersey established the New Jersey-Israel Commission by Executive Order No. 208 of Governor Kean to enhance New Jersey's ability to implement the stated goals of this Agreement; and

WHEREAS, The Commission was continued by Executive Order Nos. 35 and 90 of Governor Florio through and including May 31, 1995; and

WHEREAS, The Commission has effectively fostered a spirit of cooperation between the citizens of the State of Israel and the citizens of the State of New Jersey that should continue in order to further the goals of the Agreement; and

WHEREAS, Modification of the structure and membership of the Commission has been recommended;

NOW, THEREFORE, I, Christine Todd Whitman, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State, do hereby ORDER and DIRECT:

1. The New Jersey-Israel Commission shall continue in existence through and including May 31, 1997.
2. The Commission subcommittee on Agriculture and Natural Resources created pursuant to Executive Order No. 35 (Florio), shall be discontinued.
3. The Executive Committee of the Commission shall be comprised of the two chairpersons of the Commission appointed by the Governor, the four chairpersons of the Commission's four subcommittees, and four at-large members. The four subcommittee chairpersons and four at-large members shall be appointed by the Commission chairpersons.
4. The Commission is hereby authorized to solicit and receive financial and in-kind contributions from private organizations in furtherance of its purposes set forth in this Order.
5. All other provisions of Executive Order No. 208 of Governor Kean and Executive Order Nos. 35 and 90 of Governor Florio which are not inconsistent with the foregoing shall remain in full force and effect.
6. This Order shall take effect immediately.

Issued June 1, 1995.

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EXECUTIVE ORDER NO. 38

WHEREAS, The New Jersey Economic Master Plan Commission (the "Commission"), created pursuant to Executive Order No. 1, recommended the creation of a private/public partnership to be known as Prosperity New Jersey to serve as an umbrella organization which would help foster, promote and strengthen economic activity, job creation and the overall business climate in New Jersey; and

WHEREAS, The Commission recommended that Prosperity New Jersey's mission should be to create, develop and implement a shared vision to move New Jersey to the forefront of the national and international economies; and

WHEREAS, Prosperity New Jersey should be formed to carry out the mission recommended by the Commission;

NOW, THEREFORE, I, Christine Todd Whitman, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established a commission to be known as Prosperity New Jersey.

2. Prosperity New Jersey shall consist of up to twenty-seven (27) members appointed by the Governor, including the Governor's Chief of Policy and Planning and the Commissioners of the Departments of Commerce and Economic Development and Environmental Protection. The remaining members shall be public members who shall represent the various sectors of the economy and geographic areas of the State, including representatives of business, labor, environmental, academic and other non-governmental organizations. Two members of Prosperity New Jersey shall serve as co-chairs; one co-chair shall be a representative of business and the other shall be the Commissioner of the Department of Commerce and Economic Development.

3. Prosperity New Jersey shall create, develop, refine and implement strategic plans to continually move New Jersey to the forefront of the national and international economies by fostering, promoting and improving economic activity, job creation and the overall business climate in New Jersey.

4. Prosperity New Jersey shall meet on a quarterly basis and shall establish an executive committee and various private/public partnerships which shall meet bimonthly, or more often, if needed, to conduct their business and execute their respective missions.

5. Prosperity New Jersey is hereby authorized to hire an executive director, consultants and other professionals, subject to an appropriation by the Legislature, and to call on the Department of

Commerce and Economic Development to supply it with such data and other information, personnel or assistance as Prosperity New Jersey deems necessary to discharge its duties under this Order and to assure appropriate integration with State initiatives. The Department of Commerce and Economic Development is hereby directed, to the extent not inconsistent with law and within budgetary constraints, to cooperate with Prosperity New Jersey and to furnish it with such information, personnel and assistance as are necessary to accomplish the purposes of this Order. In order to more rapidly facilitate the commencement of Prosperity New Jersey's activities, the co-chairs of Prosperity New Jersey are hereby authorized to hire an acting executive director until such time as an executive director shall be hired by the full membership of Prosperity New Jersey.

6. Prosperity New Jersey is hereby authorized to solicit and receive financial and in-kind contributions from private organizations in furtherance of its purposes set forth in this Order.

7. As part of its work, Prosperity New Jersey shall study and report to the Governor on the appropriate vehicle for it to continue to carry out its mission in the future, including the advisability of incorporating Prosperity New Jersey as a tax exempt organization that is eligible to receive tax deductible contributions.

8. This Order shall take effect immediately.

Issued June 15, 1995.

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EXECUTIVE ORDER NO. 39

WHEREAS, There are several bills currently pending before the Legislature seeking to reform different aspects of the present parole system; and

WHEREAS, The problems of the parole system command that they be addressed in a comprehensive and/or uniform manner; and

WHEREAS, In consultation with the Senate President and the Speaker of the General Assembly, I conclude that the parole system must be thoroughly reviewed before legislation is enacted to reform it;

NOW, THEREFORE, I, Christine Todd Whitman, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT as follows:

1. There is hereby established a commission to be known as the Study Commission on Parole (hereby referred to as the "Commission"). The Commission shall consist of 15 members to be appointed as follows: three public members appointed by the President of the Senate, no more than two of whom shall be of the same political party; three public members appointed by the Speaker of the General Assembly, no more than two of whom shall be of the same political party; nine members to be appointed by the Governor including as follows: the Commissioner of the Department of Corrections, the Attorney General, two County Prosecutors, the Director of the Administrative Office of the Courts, one member of the State Parole Board, and one crime victim or concerned citizen. The chairperson and vice-chairperson of the Commission shall also be appointed by the Governor. The Commission shall undertake a thorough study of the parole system and shall make recommendations on how to improve the parole system.

The Commission shall meet as soon as practicable after the appointment of its members. Vacancies in the membership shall be filled in the same manner as the original appointments were made.

2. The Commission shall organize as soon as possible after the appointment of its members. The chairperson shall appoint a secretary who need not be a member of the commission.

3. The Commission is authorized to call upon any department, office or agency of State government to provide such information, resources or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, officer, division and agency of this State is hereby required to cooperate with the Commission and to furnish it with such information, personnel and assistance as is necessary to accomplish the purposes of this Order.

4. The Commission shall file a report with the Governor and the Legislature with recommendations for any legislative bills within one year after the first meeting of the Commission.

5. This Order shall take effect immediately.

Issued July 25, 1995.

## EXECUTIVE ORDER NO. 40

WHEREAS, On May 27, 1986, by Executive Order No. 138, the Governor's Council on New Jersey Outdoors was created to continue the work of New Jersey's Conference on Recreational Resources; and

WHEREAS, On October 18, 1988, by Executive Order No. 196, the Governor's Council on New Jersey Outdoors was established as a permanent body consistent with the recommendations of citizens made during the Council's public hearing process; and

WHEREAS, The study and identification of the open space and recreational needs of the State continues to be an essential part of the planning process to meet these needs; and

WHEREAS, In particular, the study and identification of current and future sources of funding, with special emphasis on identifying stable sources of funding for the future, is an area requiring the immediate attention of the Council and the State in order to ensure that the State's open space and recreational needs are met in the most effective and efficient means possible;

NOW, THEREFORE, I, Christine Todd Whitman, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Council known as the Governor's Council on New Jersey Outdoors (hereinafter referred to as the "Council") is hereby continued to consist of nineteen (19) members to be appointed by and serve at the pleasure of the Governor.
2. The makeup of the Council shall be as follows:
  - a. one (1) representative shall be from an urban municipality;
  - b. one (1) representative who serves in government at the county level;
  - c. one (1) representative from the New Jersey Recreation and Parks Association;
  - d. two (2) public members;
  - e. four (4) members of the Legislature: two Senators, one of each political party; and two Assemblypersons, one of each political

party, appointed by the Governor upon the recommendation of the President of the Senate and the Speaker of the General Assembly;

f. ten (10) representatives of the various civic and social organizations, including representatives with a background in finance, business and industry, health and medicine, arts and culture, the environment, coastal issues, handicapped affairs, and recreational sports.

3. All members shall serve, without compensation, at the pleasure of the Governor. Council vacancies shall be filled by the Governor as necessary.

4. The Governor shall select from among the members of the Council a Chairperson and two Vice-Chairpersons, who shall have all the powers and duties of the Chairperson.

5. The Council shall be empowered to conduct public hearings and to accept public testimony to continue with its work, particularly to study the current and future open space, urban recreation, recreation, and natural resource preservation needs of the citizens of the State of New Jersey, and to study current and future sources of funding to meet these needs, with particular emphasis on identifying stable sources of funding for the future.

6. The Council shall prepare and submit to the Governor findings and recommendations it deems necessary for providing high quality open space and recreation resources for the citizens of the State of New Jersey and, in particular, as soon as is practicable, and in no case later than fifteen (15) months after the effective date of this Order, the Council shall prepare and submit a report evaluating current sources of funding and providing findings and recommendations on future sources of funding, with special emphasis on identifying stable sources of funding.

7. The Council is authorized to call upon any department, office, division, or agency of this State to supply it with the data and other information, personnel or assistance it deems necessary to discharge its duties under this Order. Each department, office, division or agency is hereby directed, to the extent not inconsistent with law, to cooperate with the Council and to furnish it with such information, personnel, and assistance as is necessary to accomplish the purposes of this Order.

8. This Order shall take effect immediately.

Issued August 3, 1995.

## EXECUTIVE ORDER NO. 41

WHEREAS, Northeastern New Jersey has suffered from unusually dry weather conditions in late 1994 and 1995; and

WHEREAS, During the past twelve-month period, precipitation throughout Northeastern New Jersey has been among the lowest on record; and

WHEREAS, On August 29, 1995, the New Jersey Department of Environmental Protection issued a drought warning for municipalities in all or portions of the Counties of Bergen, Essex, Hudson, Morris, Passaic, Somerset, and Union, serviced by United Water New Jersey, North Jersey District Water Supply Commission, the City of Jersey City, the City of Newark, the Passaic Valley Water Commission, and New Jersey - American Water Company/Northern Division, due to the precipitation deficit and depleted reservoir levels; in particular, the reservoir systems of United Water New Jersey and the North Jersey District Water Supply Commission have been seriously depleted; and

WHEREAS, Voluntary efforts to curtail nonessential consumption of water resources and the transfer of water among these Northeastern reservoir systems have not succeeded in maintaining adequate levels of existing water supplies; and

WHEREAS, The consumption of water in Northeastern New Jersey must be reduced in order to preserve an adequate and dependable supply of water for this region; and

WHEREAS, The impending water shortage resulting from the natural cause of a prolonged drought endangers the health, safety and resources of the residents and industry of Northeastern New Jersey; and

WHEREAS, The full cooperation of every person in the affected region, including every business, State agency and political subdivision, is urgently needed in order to avert more severe restrictions on water usage, including measures requiring curtailment of production and operation in industrial and

commercial establishments, and the adverse economic impacts such restrictions may impose on the State and local level; and

WHEREAS, It is essential that steps be taken immediately to ensure the maximum conservation of all water resources in the affected areas and to provide for the equitable distribution of the existing water supply; and

WHEREAS, The Commissioner of Environmental Protection and the Drought Coordinator, with the assistance of the Water Emergency Task Force, have the authority pursuant to N.J.S.A.58:1A-1 et seq. and N.J.A.C.7:19-1 et seq., to adopt such rules, regulations, orders and directives as deemed necessary to help alleviate a water emergency;

NOW, THEREFORE, I, Christine Todd Whitman, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State and in accordance with the findings of Robert C. Shinn, Jr., Commissioner of Environmental Protection, made pursuant to the Water Emergency Rules, set forth at N.J.A.C.7:19-1 et seq., do hereby declare a state of water emergency in those municipalities in the counties of Bergen, Essex, Hudson, Morris, Passaic, Somerset, and Union, as specified in Attachment "A" annexed hereto and do hereby DECLARE, ORDER AND DIRECT:

1. I declare that a state of water emergency exists in the area described by reason of the facts and circumstances set forth above.
2. I invoke such emergency powers as are conferred upon me by the Water Supply Management Act, N.J.S.A.58:1A-1 et seq., and the Disaster Control Act, N.J.S.A. App. A:9-30 et seq.
3. The Commissioner of Environmental Protection, the Water Emergency Task Force and the Drought Coordinator are directed, pursuant to N.J.S.A.58:1A-1 et seq. and N.J.A.C.7:19-1 et seq., and other relevant laws, to take whatever steps are necessary and proper to alleviate the water emergency and to effectuate this Order.
4. It shall be the duty of every person, which includes every business, State agency and political subdivision, in the water emergency area, to fully cooperate in all matters concerning this water emergency.

5. All persons in non-emergency areas are urged to use water wisely, and to comply with voluntary or mandatory restrictions either advised or imposed by the Department of Environmental Protection, applicable municipalities or water purveyors servicing their areas.

6. Any person who shall violate any of the provisions of this Order or shall impede or interfere with any action ordered or taken pursuant to this Order shall be subject to the penalties provided by law under N.J.S.A.58:1A-1 et seq., N.J.S.A.App. A:9-49 et seq., and N.J.A.C.7:19-1 et seq.

7. This Order shall remain in effect until the Governor declares by a subsequent Order that a state of water emergency no longer exists for the water emergency area designated by this Order.

8. This Order shall take effect immediately.

Issued September 13, 1995.

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EXECUTIVE ORDER NO. 42

WHEREAS, The first game of baseball, as we know it, was played at the Elysian Fields in Hoboken, New Jersey on June 19, 1846; and

WHEREAS, In April 1946, Jackie Robinson was the first African-American to play as a member of the Montreal Royals in a game against the Jersey City Giants in Roosevelt Stadium, Jersey City, New Jersey, marking the beginning of racial integration of organized baseball; and

WHEREAS, 1996 will mark both the 150th anniversary of the first game of baseball and the 50th anniversary of the end of the barrier to African-Americans in our National Pastime; and

WHEREAS, There is a need to commemorate such occurrences and to mark New Jersey's place in such sports history; and

WHEREAS, A New Jersey Sports History Commission can best serve to prepare for and mark these anniversaries;

NOW, THEREFORE, I, Christine Todd Whitman, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the New Jersey Sports History Commission, hereinafter referred to as the Commission.

2. The Commission shall be established in, but not of, the New Jersey Department of Commerce and Economic Development.

3. The Commission shall consist of 12 members appointed by the Governor, including the Commissioner of the Department of Commerce and Economic Development who shall serve as the chair of the Commission.

4. The Commission shall plan and implement the State commemoration of the 150th anniversary of the first game of baseball and the 50th anniversary of the beginning of integration of organized baseball by Jackie Robinson.

5. The Commission is authorized to solicit and receive financial and in-kind contributions from private organizations in furtherance of its purposes set forth in this Order.

6. The Commission is authorized to call upon any department, office, division or agency of this State to supply it with data and other information, personnel or assistance it deems necessary to discharge its duties under this Order. Each department, office, division or agency is hereby directed, to the extent not inconsistent with law, to cooperate with the Commission and to furnish it with such information, personnel, and assistance as is necessary to accomplish the purposes of this Order.

7. This Order shall take effect immediately.

Issued September 21, 1995.

## EXECUTIVE ORDER NO. 43

WHEREAS, Executive Order No. 41 was issued on September 13, 1995, for the purpose of declaring a state of water emergency for a portion of Northeastern New Jersey impacted by unusually dry weather conditions and dwindling surface water supplies; and

WHEREAS, The prolonged precipitation deficit and rapidly declining storage in regional surface water supplies potentially threatened the health, safety and general welfare of the public; and

WHEREAS, The water management measures implemented by the State, coupled with the mandatory and voluntary water conservation efforts undertaken by New Jersey's residents and businesses, enabled us to preserve our available water supplies; and

WHEREAS, Precipitation events produced above-normal rainfall in October, resulting in approximately 5.5 inches over the long-term average for the month; and

WHEREAS, The Commissioner of Environmental Protection on October 25, 1995 issued Drought Emergency Administrative Order No. 1995-3, thereby lifting the mandatory water use restrictions and requesting voluntary water conservation;

NOW, THEREFORE, I, Christine Todd Whitman, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. A state of water emergency no longer exists in the State of New Jersey and Executive Order No. 41 which instituted a state of water emergency in all or portions of Bergen, Essex, Hudson, Morris, Passaic, Somerset and Union Counties is hereby terminated.

2. This Order shall take effect immediately.

Issued November 3, 1995.

## EXECUTIVE ORDER NO. 44

I, Christine Todd Whitman, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. November 24, 1995, the day following Thanksgiving, shall be granted as a day off to employees who work in the Executive Departments of State Government and who are paid from State funds or from federal funds made available to the State, whose functions, in the opinion of their appointing authority, permit such absence.

2. An alternate day shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, precludes such absence on November 24, 1995.

Issued November 9, 1995.

